

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**JAMES L. SHUFF and
LISA K. SHUFF,**

Plaintiffs,

v.

CIVIL ACTION NO. 5:20-cv-00184

**COUNTRYWIDE HOME LOANS, INC., and
BANK OF AMERICA, N.A. individually
and doing business as BAC Home Loans, LP,**

Defendants.

ORDER OF JUDGMENT

The Plaintiffs having accepted the Defendants' Rule 68 Offer of Judgment dated March 3, 2021 (Doc. No. 67-1) ("Offer of Judgment") on the 9th day of March, 2021, the Court hereby **ORDERS** entry of judgment against the above named Defendants Countrywide Home Loans, Inc. ("Countrywide") and Bank of America, N.A. ("Bank of America") (collectively, "Defendants") in favor of the Plaintiffs pursuant to the terms of the Offer of Judgment, which are as follows:

- (1) That the Defendants shall have no claim against Plaintiffs for James L. Shuff's accrued and unpaid mortgage loan payments as of March 9, 2021, which include amounts for principal, interest, and escrow funds, or James Shuff's accrued and unpaid fees as of March 9, 2021;
- (2) That James Shuff became current on his mortgage loan as of as of March 9, 2021, and will remain obligated going forward to make the monthly payments required under the security instrument securing his repayment of the loan, which requires James Shuff to make monthly payments of principal and interest in the amount of \$765.70 through August 1, 2040, and will remain obligated by all other terms of the security instrument;
- (3) That the Defendants shall pay the total sum of thirty-nine thousand dollars (\$39,000.00) which includes all costs, attorneys' fees, expenses, liens, interest, and all other sums to which Plaintiffs may be entitled;
- (4) That the Plaintiffs release all existing claims which Plaintiffs have, could have had, or may have, against Countrywide or Bank of America, relating to James Shuff's mortgage loan and/or Defendants' enforcement of their rights under the security

instrument securing James Shuff's repayment of the loan, including but not limited to all of those claims previously asserted against Defendants' in Plaintiffs' Class Action [Complaint] to Stop Foreclosures (Doc. No. 1) and Plaintiffs' First Amended Class Action Complaint to Stop Foreclosures (Doc. No. 9), and all of those claims that Plaintiffs could have asserted in this action; and

- (5) This Order having resolved all issues in the case and all matters in controversy between the Plaintiffs and Defendants, this action and all of the Plaintiffs' claims and causes of action are dismissed with prejudice, and this action is stricken from the docket.

The Court **DIRECTS** the Clerk to send a copy of this order to all counsel of record.

ENTERED March 10, 2021

A handwritten signature in black ink, appearing to read "Amy J. Dwyer", is written over a horizontal line.

CLERK

UNITED STATES DISTRICT COURT